App. F. IX-4

Previous References

1930-1.
Genl

File No. 69-30
Serial Nos. 1-4

Preserve

(29)

Later References
Genl 2-36 (1-2)
" 2-36 (3-4)
Genl-Gen ~~4-5~~ -1- 2

General and Revenue Secretariat.

Serial Nos. Four

Part B for July 1931

SUBJECT.

Grant of free licences to the Military Departments for the transport of petroleum.

8(4) To the Chief Commanders Royal Air Force

No D 257 of 14/7/31

State for reasons explained that the exemption from payment of licence fees asked for above cannot be granted

M Hankey
12/8/31

G.R.S. III—3]

4261

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

F 4261 From Mr. Chief Commissioner
W.F. C605/30 & 2:1·30.

Requests exemption from
paying licence fee on
export of transport-of
petrol required for the Lorries
of his Dept.

May this be transferred to
Dev Dpt Trd & Ct.
Mr 31/1/31 Dev Dpt

A copy of the Petroleum Regulation
& Rules thereunder is put up for
reference. Kind attention is invited
to Rules 1 & 2 of Chapter V of the Rules
and to License Forms 4 & H. Fee a
general License to transport petroleum
other than dangerous petroleum a fee
of Rs. 100 is prescribed and for that
in the case of dangerous petroleum

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Flag H.

Otherwise than in bulk a fee of Rs. 50 is prescribed in Form H. The Chief Commandant has stated in his letter that the Director of D & C to whom a reply was made for the issue of a general license for the transport of petrol requires a fee of Rs. 50 leviable under the Motor Petroleum Regln.; and Thereupon requests yent sanction to exempt the Military Dept from the payment of such fees in regard to the transport of petrol required for yent Lorries of the Military Dept.

The Protection Branch may perhaps be consulted first as to whether the exemption asked for may be granted. Yule's yon orders

MH. 17.1.31.

The Chief Commandant Suggests that the Mily Dept Maybe exempted from under Sec 20 of the M. V. from payment of license fees for the transport under Sec 2 Chairman before

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

5398

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Under Sec 20 of the Regln Petroleum which has its flashing point at or above 120° Farh may be exempted from the Operation of the Regln & the Rules thereunder. Evidently the flashing point of the petroleum that the Military Deptt. may want to transport from Bangalore to Tumkur is below 120° Farh & as such Sec 20 may not apply.

Under Rule 1 Chap II of the Rules a license is necessary to transport petroleum but nothing in the Regln or Rules thereunder seem to prohibit the issue of a License without receiving a fee therefor especially if the Transporter is a Deptt of Govt. ~~But so as the other hand~~ If the Director of Ind & Com reports to a deptt in Govt to grant a license to transport petroleum, ~~Govt stop~~ Govt there appears to be no objection for Govt, issuing a license without charging a fee under Clause d of rule 2 of Chap III of the Rules — Submitted for orders

K.S.
17.1.31

as it is dangerous petroleum

5396

G.R.S. III—3]

Routine Notes

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The Dir 1 ore may be foni connected.
Gen. Secy

Yes
Sec.
21/1.

Draft to the Dir 1934 noted
MR.
2.1.31.

Issue
23/1

To the Director of 1st. M. 843 dt. 26.1.31. Dt. 2.
Forwards a copy of the Chief Commandant's letter and requests him to furnish his opinions in the matter.

Yes A
MR.
4.2.31.

GEN. & REV. SECRETARIAT.
5 FEB 31
DEVELOPMENT BRANCH.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

General and Revenue Secretariat

Govt. File No. 69 of 1930

Serial No.	
3	From the Director of I & N. No. 62. Pd. II/30-31 dt 24.4.31. States that the Chief Inspector of Explosives in India was consulted in the matter has reported that the provisions of the Indian Petroleum Act do not apply to Govt premises and that he is therefore of opinion that exemption may be granted to the Military Dept from obtaining a license for the transport of petrol & the payment of the fee prescribed therefor. Noted with regard to the orders of the Asstt & Dep Secretaries on the previous page. Noted for orders with a draft notification. Dr. Rao. Q. has first to be decided 28.4.31. whether our Regulation also applies to Govt. departments or not. If not, no notification appears to be necessary & a mere letter on the lines of that of the Govt of India (such copy sent by Dir of Ins) may be issued. The L.R. may be consulted. Gen. Secy For favour of advice — Ca 7/5. L.R. Rao 9/5 R-8 9/5 Ca 9/5

The Mysore Petroleum Regulation I of 1923 is based on the Indian Petroleum Act VIII of 1899 and follows it very closely in all respects. If therefore the view of the Govt of India, as stated in the letter of

WD 02553—GPB—50,000—8-7-30

the 29th Jan 1909 addressed to all local Govts by the Secretary to Govt of India, Depts of Commerce & Industry, is accepted the Mysore Repn should be held not to apply to Govt premises.

It is however difficult to see on what legal principle the Govt of India have declared the Petroleum Act not to apply to Govt premises. It ~~has been~~ cannot be on the ground that the Crown is not bound by a Statute unless expresly mentioned therein, because that maxim whatever its force may be in England, has been held not to apply to the Indian Statutes. (Vide Bell vs. Municipal Comrs of Madras 25 Mad 457.) Especially Statutes imposing duties or taxes bind Govt as well as its subjects unless the very nature of the duty or tax is such, as in the case of income tax, to be inapplicable to Govt. Whenever it is, the intention of the legislature to exempt Govt from ~~such~~ any duty or tax, which in its nature is not inapplicable to Govt, the Govt is specially exempted, as for instance sec 3 of the Stamp Act. The Court fee Repn is an instance of a Statute which binds Govt though not expresly named.

General and Revenue Secretariat | File No.

Serial No.

-- If this view is acce
notification under sec 20
as desired exemption,
The Govt dept. from the of
the Petroleum Rep^n advice
necessary —
Legal.

The Govt of India will
seem to apply only for storing petro-
leum in Govt "premises", and
not for transporting
If this be the case a notice
as at — A.

Sym: will with comps D. M. 1/6

Comp. 4/1-

I am afraid that
a notification under sec. 20
would not cover the case of
dangerous petroleum (flashing
point below 76°7).
It would perhaps be better
to adopt the decision (however
arrived at) of the Govt of India
that the Petroleum Act does
not apply to Govt. (This is
in fact going a bit further
than the Govt of India, who only
say that it does not apply

WD 02553—G PB—50,000—8 7 30

5895/30 p 30

725 1

Govt. File No. 69 of 1930 | General and Revenue Secretariat

foot premises - but the principle is the same)

'Or, in the alternative may authorise the Director licenses on requisition from Govt. Depts. } A
Govt fees.

UR
20-5-31

1863
21/5

ee 21/5
This is the better alternative as the Conditions to be complied & should be formally notified to the dept. concerned and Storage or transport of it should be subject to the prescribed inspection. Is there provision for waiving fee?

Rmg
22/5/31

L.R. with compliments for favour of opinion on the point raised in the Member's minute.

Sd/ with a separate note

UR
30-5-31

Secy

There is no provision either in the Regulations or in the rules for waiving fees in such cases. But since such fees are fixed not in the Regulation but in the Rules under sec 8(2)(b), a rule may be made fixing no fee in the case of Government Departments.

—Chief Secy.

RDM
22/6/31

22 JUNE 1931

377

Pl. put up with the file

Pl. see Dft rule

Dr. Secy with compliments
MM 1-7-31 DM 2-7-31

App: F. III—2]

General and Revenue Secretariat 990 File No. 69 of 1930-31

Serial No.

OFFICE OF THE FIRST MEMBER
24 JUNE 1931
No. 2507

Subd with refce to
minute dated 22 5 31 Supra
1st Member

22.6.31
Ce
24/6

The best course is to apply to Court
depts also all rules including the
levy of fees which are enforced
the case of private persons. Recently
we ascertained from the Cr I that
regnl to Writers Court depts are
also required to pay the prescribed
The same arrangement may be
followed in the case of petroleum
rules also

Smuh
25-6-31

25 6 31
Ce
25/6

Yuted with a draft as per orders above.
MR. 4/7
4.7.31.

4 To the Chief Commandant, M. Y. F. No. D
259 d. 14.7.31. Yttates for reasons explained
that the exemption from payment of licen
fees asked for above cannot be granted
Copy to the Director of I & H. No. 260 d. 14.7.31

B
MR.
31.7.31.

GEN. & REV. SEC.
NOTE Contn. Sheet.
1 AUG. 1931
DEVELOPMENT BRANCH.

WD 0553—G P B—50,000—8-7-30

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Year 1907-08 V

Grant of Free Licenses to the Military Depôts for the transport of Petroleum.

The file was given to me by the Secy in person for a note.

Rule 2 of Chap VI of the Rule under the Petroleum Regln lays down the Scale of fees to be levied in the case of the several classes of licence. It is submitted that the Rules are issued under Section 8 of the Regln which Clause (2) L of the said section & lays down that in particular and without prejudice to the generality of the foregoing power (to make rules) such rules may (1) fix the fee to be charged for any such licence:

So that the discretion to levy fees seems to be left to the option of Govt. It does not therefore seem imperative that Fees should be levied in all cases though the Scale is intended to regulate the fee whenever they have to be levied. In any case the Regulation does not fetter

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

the raising of Govt.

It may perhaps be necessary ~~to insert in~~ for the sake of clearness, to insert in rule 2 of Chap VI of the Rules a note to the effect that no fees shall be charged in the case of Licenses to be granted to the Military or other Depts of Govt".

Subd.

Rule 2 of Chap VI of Part II

KP 28/5

A. This seems to be necessary as the amount of fee to be levied is stated in the terms of leases

CA 29/5

C. C. O. 1.]

MYSORE STATE TROOPS.

Tel. Address.
"STATROOPS"

No. C. 605/30

OFFICE OF THE CHIEF COMMANDANT,

Bangalore. Dated *1931*

ROYAL HISDELL 4261 3 JAN

FROM
Colonel J.C. Loch, C.B.E.
Chief Commandant,
Mysore State Troops, Bangalore

To D5398

The General Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

SIR,

I have the honour to state that the petrol required for working the lorry detailed for duty at the Kunigal Stud Farm is being obtained from the Firm at Tumkur at a cost of Rs 1/8/0 per gallon. As the rate in Bangalore is Rs 1-4-0 and the average consumption of petrol at Kunigal exceeds 100 gallons per month, it has been proposed to send the required quantity of petrol in our own lorries from Bangalore in consignments of 100 gallons at a time, this arrangement being found much cheaper.

The Director of Industries and Commerce to whom a reference was made for the issue of a general licence for the transport of petrol requires a fee of Rs 50/- leviable under the Mysore Petroleum Regulations. I request that Government sanction may be obtained to exempt the Military Department from paying such license fees in respect of the transport of petrol required for Government lorries of the Department, under section 20(1) of the Regulation, and notification issued to that effect.

I have the honour to be
Sir,
Your most obedient Servant,

Loch
Colonel
Chief Commandant,
Mysore State Troops.

2/1 2/1

Appendix F G—1

SUBJECT.....

Section Genl.
File No. 67-30.
Serial No. 2
No. 7843/Secy

Diary No. of letter replied to 5198

General and Revenue Secretariat
( )
the *193*

To
The Director of I & C in Abyssinia.

Date of issue 26.1.31

Signed by Mr Cru PUD

Sir,

In forwarding herewith a copy of letter No. 4.605/30 d. 2.1.31 from the Chief Commandant, Aby-State Troops, requesting sanction of Govt for the exemption of the Military Dept from the payment of the prescribed license fees in respect of the transport of petrol required for working the Govt Lorries of that Dept ~~under Section 26~~ of the Abyssinia Petroleum Regulations ~~the issue of a notification to that~~

List of enclosures.....

Copied by.....

Examined by.....

[over effect,

WD 02559—GPB—25,000—25-6-30

I am directed to request you to be so good as to favour Govt with your opinion in the matter at an early

I have etc.,

In this connection I am to invite your kind reference to Section 10 of the Regulations in question. The favour of an early reply is requested.

I have etc.,

Ce

237.

Govt

Yours truly to Govt.

Geol 69-30-2 3
D 725

TELEGRAPHIC ADDRESS:—"INDUSCOM

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

5 APR. DEVELOPMENT BRANCH.

In reply please refer to No. C2-PL.11/30-31

OFFICE OF THE DIRECTOR,

Dated, Bangalore,....21st April.....1931.

FROM:

C. RANGANATHA RAO SAHIB, Esq., B.A., B.L.,
Director of Industries and Commerce in Mysore,
(Bangalore, India.)

To:

The Secretary to the Government of Mysore,
Development Departments,
Bangalore.

PB
25/4/31.

SIR,

With reference to your letter No. D. 7843/Geol. 69-30-2 dated 26th Jany. 1931 forwarding for my opinion copy of letter dated the 2nd Jany. 1931 from the Chief Commandant, Mysore State Troops, requesting for exemption from the payment of the license fees prescribed in the Petroleum Rules for the transport of petrol required for the use of the Government lorries, I have the honor to state that I consulted the Chief Inspector of Explosives with regard to the practice observed in British India in similar circumstances. I enclose for the information of Government copy of his letter No. P-2 (31) dated the 24th March 1931 together with a copy of its enclosure stating that the provisions of the Indian Petroleum Act do not apply to Government premises. It is pointed out that though it is not necessary for the Army Department to take out a license for the importation, possession or transport of petroleum, the Department has to observe as far as possible the rules framed under the Act in the interests of the Public safety. It is also seen from the enclosure to the letter that the Government Departments should as far as possible voluntarily adopt restrictions imposed by law on the owners of private installations.

I am therefore of opinion that exemption may be granted to the Military Department from obtaining a license for the transport of

petrol and the payment of the fee as prescribed in the Petroleum Rules. At the same time it is necessary that all the precautions and safeguards to be adopted by the holders of licenses for the - general transport of petrol (vide conditions appended to License Form "H") should be adopted by the Military Department, as far as possible.

I have the honor to be,
Sir,
Your most obedient servant,

Director.

USC)

Copy of letter No. P-2(31) dated the 24th March 1931 from the Chief Inspector of Explosives in India, Calcutta, to the Director of Industries and Commerce in Mysore, Bangalore.

With reference to your letter No. C2-PL-11/30-31 dated the 9th March 1931, I have the honor to state that it has been decided by - the Government of India, Department of Commerce and Industry in - their letter No. 905-914-1 dated the 29th Jany. 1909, a copy of -- which is enclosed, that the Indian Petroleum Act of 1899 does not apply to Government premises. It is therefore not necessary for the Army Department to take out a license for the importation, possession or transport of petroleum in British India, but they have to observe as far as possible the rules framed under the Act in the interests of the public safety.

" COPY "

Director.

Copy of letter No. 905-914-1 dated 29th Janv. 1909 from the Secretary to the Government of India, Department of Commerce and Industry to all local Governments and Administrations.

In a letter No. 423 dated 21st March 1895, addressed to the - Government of Bengal by the Home Department of this Government, it was stated that the Governor-General in Council agreed with a view taken by the Lieutenant Governor that under the Law the storing of Petroleum in Commissariat Godowns within the Municipality of Calcutta required a license.

A copy of this letter was forwarded to the Government of Madras Bombay etc/you, with endorsement No. 425-433 dated the 21st March 1895

2. Since that letter was issued it has been decided that the Indian Petroleum Act of 1899 does not apply to Government premises and this fact was stated in paragraph 44 of the note appended to my letter No 11428-11435: 11437-11438/31: 11439-31: 11440-31: 11441-31 dated the 17th Decr. 1908. I am to point out however that the rules which - have been framed under the Indian Petroleum Act prescribe certain - cautions and safeguards which ought to be observed in the interests of public safety and which are no less necessary in Government installations than in others. Government installations, should therefore, save in the most exceptional cases, voluntarily adopt the -- restrictions which have been imposed on all other petroleum installa -tions and should comply as far as possible with the provisions of the law and the rules made thereunder.

" COPY "

Director.

Appendix F G—1

SUBJECT.....

Section Genl.

File No. 69-30.

Serial No. 4

No. 0259

Diary No. of letter replied to 7257

General and Revenue Secretariat

( )

the *193*

Date of issue 14/2/31

Signed by N. C. S. Nevanbe

To

The Chief Commandant, N.W.F.

Sir,

With reference to your letter No. 4.605/30 d. 2.1.31 requesting sanction of Govt to exemption under s. 20 of the Pet. Rgn, the Military Dept from the payment of the license fees prescribed in the Petroleum Rules for the transport of petrol required for the use of Govt lorries of the Dept, I am directed to ~~state~~ observe your attn that Section 20 of the Petroleum Regulation is applicable only to non-dangerous petroleum having its flashing point at or above 120° F, and not to petrol which is "dangerous" petroleum vide the Petroleum Rules and that all ~~this case and to state that all~~ ~~and that it~~ over is desirable

The Rules of the Petroleum Regulation including the levy of fees which are ~~applicable~~ enforced in the case of private persons apply also to Govt Depts and that in the circumstances Govt request that it is not possible to grant the exemption asked for.

I have etc.,

Yours very truly,

Govt. counsels that in respect of dangerous petroleum, the Govt dept to whom it be subject to the rules, including the levy of fees, as are enforced in the case of private firms and persons. I am accordingly to state that Govt regret it is not possible to grant the exemption sought for. It is, however, regretted that the exemption asked for by you cannot be granted.

Letter etc. D 260 14/7/31

Copy of the above is forwarded with compliments to the Director of P & T with respect to his letter No. 62: Pl. II/30-31 d. 24.4.31.

By order

For Deputy Secretary to Govt.

Fauv draft

No L259
Govt. 69-30-4

13th July 1931.
14/7

D. Srinivasa Iyengar, Esq., B.A.,

The Chief Commandant,
Mysore State Troops,
Bangalore.

With reference to your letter No.C.605/30 dated 2nd January 1931 requesting sanction of Government to exempt, under Section 20 of the Petroleum Regulation the Military Department from the payment of the license fees prescribed in the Petroleum Rules for the transport of petrol required for the use of the lorries of the Department, I am directed to point out that Section 20 applies only to non-dangerous petroleum having its flashing point at or about 120°F and not to petrol which is "dangerous" petroleum with a flashing point below 76° F. Government consider that in respect of "dangerous" petroleum, the Government Departments should be subject to the same rules, including the levy of fees, as are enforced in the case of private firms and persons. It is, therefore, regretted that the exemption asked for by you cannot be granted.

I have the honor to be,
Sir,
Your most obedient servant,

13/7

Fauv Secretary to Government,
Development Departments.

Copy to the Director of I&A. M.D. 261 d. 14.7.31.

S.R.-3